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Attorneys for Defendant, TARGET STORES, a Division of TARGET CORPORATION, erroneously served and sued herein as TARGET CORPORATION

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

EDGAR AQUINO, Plaintiff, v. TARGET CORPORATION, DOE DEFENDANT, and DOES 1 to 20, Inclusive, Defendants.	CASE NO. 08 CV 00073-L-CAB(mg) **EX PARTE REQUEST TO HAVE PERSON REQUIRED TO ATTEND THE EARLY NEUTRAL EVALUATION CONFERENCE BE EXCUSED FROM PERSONAL APPEARANCE OR IN THE ALTERNATIVE, A REQUEST TO CONTINUE THE ENE CONFERENCE** Date: February 25, 2008 Time: 2:00 P.M. Place: U.S. Courthouse 940 Front Street, Room 1131 San Diego, California

I, R. DEREK CLASSEN, DECLARE:

1. I am an attorney at law duly licensed to practice before all courts in the State of California, and am a partner in the Law Firm of Prindle, Decker & Amaro, attorneys of record herein for Defendant, Target Stores, a Division of Target Corporation. By reason therefore, I am familiar with my firm's file pertaining to this case and if called as a witness, I would and could competently testify to the following facts and circumstances.

2. Kim Buxton is a litigation specialist for Sedgwick Claims Management, who is the third party administrator for Target and will have full settlement authority in this matter. Ms. Buxton lives and works in Minneapolis, Minnesota. She has a previously scheduled Mediation where her personal attendance is required in Chicago, Illinois, on February 25, 2008 and will be unable to be in both San Diego and Chicago on the same date.

3.Accordingly, Defendant respectfully requests that the court allow Ms. Buxton to appear for the Early Neutral Evaluation by telephone, or in the alternative, to continue the Early Neutral Evaluation to a date upon which she can attend in person.

4. I have spoken with attorney Rance Welch, counsel of record for Plaintiff, Edgar Aquino. He does not have any objection to Ms. Buxton's appearance by phone or to continuing the Early Neutral Evaluation to a mutually convenient date in the future.

5. Ms. Buxton has Mediations and/or Mandatory Settlement Conferences scheduled on March 4th, March 17th and is on pre-paid vacation the week of March 24th, 2008. All counsel are available as is Ms. Buxton, on March 11th, 2008 and March 19th, 2008. Defendant respectfully requests the Court grant the continuance of the Early Neutral Evaluation to a date that will work with this Honorable Court's calendar.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 13th day of February, 2008, at Long Beach, California.

R. DEREK CLASSEN, Declarant

LAW OFFICES OF PRINDLE, DECKER & AMARO LLP

PROOF OF SERVICE
Edgar Aquino vs. Target Stores
Case No. 08 CV 00073-L-CAB(mg)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES:

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) and am not a party to the within action; my business address is 310 Golden Shore, 4th Floor, Long Beach, California 90802.

On February 13, 2008, I served the following document(s) described as **EX PARTE REQUEST TO HAVE PERSON REQUIRED TO ATTEND THE EARLY NEUTRAL EVALUATION CONFERENCE BE EXCUSED FROM PERSONAL APPEARANCE OR IN THE ALTERNATIVE, A REQUEST TO CONTINUE THE ENE CONFERENCE** on all interested parties to this action, as follows:

☒ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelopes addressed as follows:

SEE ATTACHED SERVICE LIST

☒ **BY MAIL:** By placing a true copy thereof in a sealed envelope addressed as above, and placing it for collection and mailing following ordinary business practices. I am readily familiar with Prindle, Decker & Amaro's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Long Beach, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ **BY OVERNIGHT COURIER:** I caused the above-referenced document(s) to be delivered to ____________________ for delivery to the above address(es).

☐ **BY FAX:** I caused the above-referenced document to be transmitted via facsimile from Fax No. (562) 495-0564 to Fax No. ________ directed to ________. The facsimile machine I used complies with Rule 2003(3) and no error was reported by the machine. Pursuant to Rule 2005(1), I caused the machine to print a record of the transmission, a copy of which is attached to this declaration.

☐ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to the addressee(s).

☒ [State] I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☐ [Federal] I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 13, 2008, at Long Beach, California.

Leti Gutierrez

__Edgar Aquino vs. Target Stores__
Case No. 08 CV 00073-L-CAB(mg)

SERVICE LIST

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